

REMARKS

It is noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1, 3, 4, 7-38 are all of the claims pending in the present Application. Claims 2, 5, and 6 have been canceled above. New claims 37 and 38 have been added.

Claims 20 and 30 stand rejected under 35 USC §112, second paragraph, as being indefinite. Claims 1-4, 7, 14, 20, 21, and 23-36 stand rejected under 35 USC §102(b) as anticipated by US Patent 5,434,917 to Naccache et al. Claims 5, 6, and 22 stand rejected under 35 USC §103(a) as unpatentable over Naccache, further in view of US Patent 5,499,294 to Friedman. Claims 8, 12, and 19 stand rejected under 35 USC §103(a) as unpatentable over Naccache, further in view of US Patent 5,974,150 to Kaish. Claims 9-11, 13, and 15-18 stand rejected under 35 USC §103(a) as unpatentable over Naccache, further in view of Kaish, and further in view of Friedman.

These rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

As described and claimed, for example by claim 1, the present invention is directed to a method of guaranteeing authenticity of an object, including providing a sample of material obtainable only by at least one of chemical and physical processes such that the sample is random and not reproducible.

A number is associated reproducibly to any such sample by using a specific reader. At least one coded version of the number is formed, the number being optionally encrypted in combination with further information, the at least one coded version being obtained by a key signature. The coded version is recorded into an area of the object.

The object includes at least one of a chip having a recording support positioned on the object and another recording support. The method further includes, to allow for sample-reader combinations such that the number associated to the sample is only essentially reproducible,

recording also the number on the object card on the recording support on one of the chip and the another recording support.

The prior art of record fails to provide this recording capability of the original reading. The advantage of this feature of the present invention is that the original reading of the sample allows the calculation of degradation of the sample and a determination of whether the object, given the calculated degradation, can be considered authentic.

II. THE 35 USC §112, SECOND PARAGRAPH, REJECTION

Claims 20 and 30 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants believe the above amendment for claim 30 addresses the Examiner's concerns but respectfully traverse this rejection for claim 20. That is, claim 20 already incorporates the indefinite article "a" for "sequence of data", and it is not customary in current patent practice to include a corresponding indefinite article to establish antecedent basis for plural nouns (e.g., "certificates") in claims.

Therefore, Applicants submit that claim 20 requires no correction for antecedent basis and that claim 30 has been corrected above.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. THE PRIOR ART REJECTION

The Examiner asserts that US Patent 5,434,917 to Naccache et al. anticipates claims 1-4, 7, 14, 20, 21, and 23-36 and, in combination with US Patent 5,499,294 to Friedman, renders obvious claims 5, 6, and 22, and in combination with US Patent 5,974,150 to Kaish, renders obvious claims 8, 12, and 19, and in combination with both Kaish and Friedman, renders obvious claims 9-11, 13, and 15-18.

Applicants respectfully disagree.

The present invention provides at least the capability to carry the reading of the sample on the object so that it can be compared to a current reading. The advantage of this feature is that the sample materials for which the number associated with the sample can be only essentially

reproduced can be used for the sample. Moreover, a degeneration can be calculated for the sample over time.

Additionally, the present invention provides the capability to encrypt the number associated with the sample in combination with optional additional information, such as issue date of the object or information concerning the application of the object.

Hence, turning to the clear language of the claims, there is no teaching or suggestion in Naccache of "... said number being optionally encrypted in combination with further information, ... wherein said object includes at least one of a chip having a recording support positioned on said object and another recording support, said method further comprising: to allow for sample-reader combinations such that the number associated to said sample is only essentially reproducible, recording also said number on said object card on said recording support on one of said chip and said another recording support."

The Examiner relies upon Friedman for demonstrating a processor in the reader and upon Kaish for demonstrating the technique of imprecise reading. However, neither Friedman nor Kaish overcomes the deficiencies identified above.

Additionally, it is noted that Kaish cannot properly be combined with Naccache, since such combination would cause the principle of operation in Naccache to be changed. That is, Naccache uses randomly distributed ferrite particles (e.g., small steel marbles), whereas Kaish uses dichroic fibers. The fibers of Kaish may have the characteristic that a precise reading is not possible, but the steel marbles of Naccache would not share this characteristic. Therefore, under the following evaluation guideline in MPEP §2143.01, the combination of Kaish with Naccache would be improper: "The proposed modification cannot change the principle of operation of a reference."

For the reasons stated above, the claimed invention is fully patentable over the cited references.

Further, the other prior art of record has been reviewed, but it too, even in combination with Naccache, Kaish, or Friedman, fails to teach or suggest the claimed invention.

IV. FORMAL MATTERS AND CONCLUSION

The Examiner also objected to the specification because cross references were missing on pages 1 and 52 and numbers related to Figures 3 and 4 do not match the labels on the figures. A Supplemental Amendment will be filed shortly (i.e., prior to evaluation by the Examiner of this Amendment) to address these concerns.

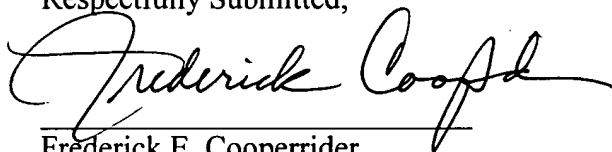
In view of the foregoing, Applicant submits that claims 1, 3, 4, and 7-38, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview. The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 09-0441.

Date: _____

10/30/03

Respectfully Submitted,



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